APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,719	04/11/2001	Robert Leslie Van Oostenbrugge	PHNL 000183	9755

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EXAMINER
BONSHOCK, DENNIS G

ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/832,719	VAN OOSTENBRUGGE ET AL.
	Examiner	Art Unit
	Dennis G. Bonshock	2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 November 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 July 2004* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   It is hereby acknowledged that the following papers have been received

and placed on record in the file: Amendment as received on 11-30-2004.

2.   Claims 1-20 have been examined.

Status of Claims:

3.   Claims 9-11, and 19 are rejected under 35 U.S.C. 102(e) as being

anticipated by Dobronsky et al., Patent #6,784,900, hereinafter Dobronsky.

4.   Claims 1-8, 12-18, and 20 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Dobronsky et al., Patent #6,784,900, hereinafter Dobronsky

and Monteiro et al., Patent # 5,778,187, hereinafter Monteiro.

Drawings

5.   The drawings were received on 03-10-04. These drawings are

unacceptable.

6.   The drawings are objected to because the amended drawings (figure 3)

are submitted with a textural element, near boxed [303] and [305], crossed out by

hand. A proposed drawing correction or corrected drawings are required in reply

to the Office action to avoid abandonment of the application. The objection to the

drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8.   Claims 9-11, and 19 are rejected under 35 U.S.C. 102(e) as being

anticipated by Dobronsky et al., Patent #6,784,900, hereinafter Dobronsky.

9.   With regard to claim 9, which teaches method of transmitting information

to an apparatus, the apparatus having a presentation means for presenting a

graphical user interface and skin means for applying a skin displaying an artistic

background to the graphical user interface so as to influence the look of the

graphical user interface, Dobronsky teaches, in column 3, lines 49-59, a means

by which a plug-in cooperates with a browser to effect a change in the

appearance of the browser, specifically the skin displayed, where this displayed

skin is amotif of specific graphical depictions displayed as a background of a

toolbar (further see column 5, lines 55-67 and figure 5). With regard to claim 9,

further teaching that the information comprises a skin change command to the

apparatus for changing a currently applied skin, Dobronsky further teaches, in

column 5, lines 33-41, the change in skin being affected by the user selecting a

skin for download and installing it in the toolbar area of the browser.

10.   With respect to claim 10, which teaches an apparatus comprising storage

means for storing a plurality of skins, Dobronsky teaches, in column 4, lines 26-

43, the downloading and storing of specific skins. With regard to claim 10,

further teaching the skin change command including an identification of a

respective one of the plurality of skins, and the skin being adapted to apply said respective skin to the graphical user interface in response to a skin change command, Dobronsky teaches, in column 5, lines 33-41, the selection of a skin from a plurality of skins resulting in the installation of the skin to a toolbar area of the browser.

11.   With regard to claim 11, which teaches the skin change command including a further skin, in which the skin means is adapted to apply said further skin to the graphical user interface, Dobronsky teaches, in column 5, lines 55-67, the website providing a skin change command, to install in a clients browser, a unique site specific skin.

12.   With regard to claim 19, which teaches the artistic background defining the skin comprising at least on of background shape, a background color, or arrangement of controls specific to the individual skin, Dobronsky teaches, in column 5, lines 55-67 and figure 5, an artistic background displaying a depiction of a cow, as a skin of the toolbar.

Claim Rejections - 35 USC § 103

13.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

14.   Claims 1-8, 12-18, and 20 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Dobronsky et al., Patent #6,784,900, hereinafter Dobronsky

and Monteiro et al., Patent # 5,778,187, hereinafter Monteiro.

15.   With respect to claim 1, Dobronsky teaches, in column 3, lines 49-59, a

means by which a plug-in cooperates with a browser to effect a change in the

appearance of the browser, specifically the skin displayed, where this displayed

skin is motif of specific graphical depictions displayed as a background of a

toolbar (further see column 5, lines 55-67 and figure 5). Dobronsky further

teaches, in column 5, lines 55-67 and in column 6, lines 34-41, the change in

skin being affected by the users surfing to a site that has a defined skin.

Dobronsky, however, doesn't explicitly state that this skin change is generated in

response to an event not originating from a user request to change the currently

applied skin. Monteiro teaches a system in which the appearance of a browser

window is changed based on current context, see column 4, lines 9-19 and in

column 17, lines 20-31, similar to that of Dobronsky, but further teaches, in

column 17, lines 20-31 and column 7, lines 48-59, that the user interface is

changed in response to a different song being played.

16.   With respect to claim 2, which teaches an apparatus receiving information

from a remote server and the event comprising the reception of a skin change

command from the remote server, Dobronsky teaches, in column 2, lines 51-63,

a browser receiving information via communication with the internet where the

information transmitted is a skin change command.

17.   With respect to claim 3, which teaches an apparatus comprising storage means for storing a plurality of skins, Dobronsky teaches, in column 4, lines 26-43, the downloading and storing of specific skins. With regard to claim 3, further teaching the skin change command including an identification of a respective one of the plurality of skins, and the skin being adapted to apply said respective skin to the graphical user interface in response to a skin change command, Dobronsky teaches, in column 5, lines 33-41, the selection of a skin from a plurality of skins resulting in the installation of the skin to a toolbar area of the browser.

18.   With regard to claim 4, which teaches the skin change command including a further skin, in which the skin means is adapted to apply said further skin to the graphical user interface, Dobronsky teaches, in column 5, lines 55-67, the website providing a skin change command, to install in a clients browser, a unique site specific skin.

19.   With regard to claims 5 and 14, which teach presentation means capable of presenting further information, and that the event comprises a change in a parameter of said further information, Dobronsky teaches, in column 5, lines 55-67, that a change in displayed skin is affected by further information (a change in the web site being visited).

20.   With regard to claims 6 and 15, which teach information comprising audio and/or video content, Monteiro teaches, in column 2, lines 8-11 and column 17, lines 20-31, the information being audio and/or video content. With respect to claims 6 and 15, further teaching a parameter representing a category of said

content, Monteiro teaches, in column 17, lines 20-31, that if the user changes music type or there is a change in the artist the interface window will adapt.

21.   With regard to claims 7 and 16, which teach that the apparatus further comprised user profile means for maintaining a user profile, and an event comprising a change in a user profile, Monteiro teaches, in column 2, lines 17-26 and column 8, lines 12-15, that portions of information can be tailored to the client, when the clients habits change the environment adapts around the client.

22.   With regard to claims 8 and 17, which teach the above claims being implemented in a computer program, with a computing device, Dobronsky teaches, in column 1, lines 11-21, the system being implemented on a computer utilizing computer programs.

23.   With regard to claim 12, which teaches information comprising audio and/or video content, Monteiro teaches, in column 2, lines 8-11 and column 17, lines 20-31, the information being audio and/or video content. With respect to claim 6, further teaching a parameter representing a category of said content, Monteiro teaches, in column 17, lines 20-31, that if the user changes music type or there is a change in the artist the interface window will adapt.

24.   With regard to claim 13, Dobronsky teaches, in column 3, lines 49-59, a means by which a plug-in cooperates with a browser to effect a change in the appearance of the browser, specifically the skin displayed, where this displayed skin is motif of specific graphical depictions displayed as a background of a toolbar (further see column 5, lines 55-67 and figure 5). Dobronsky further teaches, in column 5, lines 55-67 and in column 6, lines 34-41, the change in

skin being affected by the users surfing to a site that has a defined skin. Dobronsky, however, doesn't explicitly state that this skin change is generated in response to an event not originating from a user request to change the currently applied skin. Monteiro teaches a system in which the appearance of a browser window is changed based on current context, see column 4, lines 9-19 and in column 17, lines 20-31, similar to that of Dobronsky, but further teaches, in column 17, lines 20-31 and column 7, lines 48-59, that the user interface is changed in response to a different song being played.

25.   With regard to claim 18, which teaches the artistic background defining the skin comprising at least on of background shape, a background color, or arrangement of controls specific to the individual skin, Dobronsky teaches, in column 5, lines 55-67 and figure 5, an artistic background displaying a depiction of a cow, as a skin of the toolbar.

26.   With regard to claim 20, which teaches a user profile means for controlling selection of skins within the graphical user interface, Monteiro teaches, in column 2, lines 17-26 and column 8, lines 12-15, that portions of information can be tailored to the client, when the clients habits change the environment adapts around the client.

Response to Arguments

27.   The arguments filed on 11-30-2004 have been fully considered but they are not persuasive. The reasons are set forth below.

28.   The applicant's argue that Monteiro et al. doesn't teach changing skins as defined by the amended claims.

29.   In response, the examiner respectfully submits that the Applicant's arguments with respect to claims 1 and 9 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

30.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis G. Bonshock whose telephone number is (571) 272-4047. The examiner can normally be reached on Monday - Friday, 6:30 a.m. - 4:00 p.m.

31.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

32.   Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

1-31-05

dgb

JOHN CABECA

SUPERVISORY PATENT EXAMINF

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